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# Risk Matters

***A Publication Dedicated to Risk Management  
In Montana State Government***



*Department of Administration, May, 2002, Volume 11, No. 2*

## PCIIS Online



**M**uch to the delight of state agencies, PCIIS (the state Property/Casualty Insurance Information System) was unveiled in December at the state Risk Management Advisory Council (RMAC) meeting. User training was provided in January.

Feedback on the new system has been Tee....rrrr...iiii...fff...ic!!!! Gone are the days when state agencies had to send out surveys, gues.....timate their property values, determine how many class A employees or volunteers were employed by their agency, contact us to find out what their premiums were last year, then wonder whether or not they were really insured.

PCIIS allows your agency to conduct queries, view summaries of insurance coverage, and search property appraisals by fiscal year, appraisal date, value, or location. In addition, historical and prospective risk charges (i.e. insurance premiums) as well as your agency's portfolio of risk exposures may be obtained on-line, real time!

In the wake of September 11<sup>th</sup>, the state's brokers, underwriters, and insurance carriers demand accurate and timely risk exposure data in order to accurately and competitively price and insure the state's assets. PCIIS not only provides comprehensive, real-time information, it has also drastically reduced the time it takes to report and compile your agency's risk exposures from 150 days to 90 days.

'Simplistic,' 'easy-to-use,' 'streamlines and enhances reporting,' and 'a vast improvement over the old system' are just a few adjectives used by state clients, brokers, underwriters, and contractors to describe PCIIS. We couldn't agree with them more!

For additional information, contact Kristie Rhodes at **ext.4509** or Brett Dahl at **ext.3687**. User access is limited!



## FY02 'Triple Doubles'

**S**ports fans worldwide are 'tuning into' the NBA playoffs this month to watch their favorite teams and players. Will the Lakers or Spurs win the championship? Who is your 'odds on' favorite for the MVP Award? Will it be Shaquille O'Neal, Kobe Bryant, or someone else?

Whatever team or player you choose, they will win the MVP or NBA Championship because they had better players defensively and offensively. Defensively, one of the measures of a great player is the number of blocked shots, steals, or rebounds. Offensively, an important measure of a 'star' player is the ability to consistently 'TRIPLE DOUBLE,' (i.e. score double digits in assists, points, and rebounds).

Within state government, the Risk Management & Tort Defense Division has its own version of the 'triple double!' Agencies that have reduced **BOTH** the frequency (#) **AND** the severity (\$) of claims three consecutive years.

Some of these agencies have done nothing to manage risk. They were lucky! Others have active loss control committees, send employees to training, follow-up on recommendations from consultants, have preventative maintenance programs, and management commitment from the TOP down.

If your agency had an awful year, followed by a poor year, then a fair year, it still made the 'FY02 Triple Double list! You made progress, however, and progress is to be commended.

We congratulate the following 'FY02 Triple Doubles.'

## Auto Liability



Agriculture  
Commerce  
Corrections  
    (Pine Hills School)  
    (Pre-Release Center)  
    (Probation & Parole)  
    (State Prison)  
    (Women's Correctional Center)  
Fish, Wildlife, & Parks  
Governor's Office  
Historical Society  
Justice  
    (Attorney General)  
    (Crime Control)  
    (Criminal Investigation Bureau)  
    (Gambling Control Division)  
    (Highway Patrol)  
    (Motor Vehicle Division)  
Labor & Industry  
Legislative Branch  
Military Affairs  
Natural Resources and Conservation  
Office of Public Instruction  
Public Health & Human Services  
    (Center for the Aged)  
    (Eastmont)  
    (Foster Care)  
    (Mental Health Nursing)  
    (Montana State Hospital)  
State Library  
Supreme Court  
Transportation  
    (Billings)  
University System  
    (Commissioner of Higher Education)  
    (Division of Technology – Butte)  
    (University of Montana – Western)

## Property



Auditor  
Corrections  
    (Pine Hills School)  
    (Probation & Parole)  
Environmental Quality  
Fish, Wildlife, & Parks  
Governor's Office  
Historical Society  
Justice  
    (Attorney General)  
    (Criminal Investigation Bureau)  
    (Gambling Control)  
    (Fire Prevention/Investigation)  
    (Highway Patrol)  
    (Motor Vehicle Division)

Labor & Industry  
Military Affairs  
Natural Resources & Conservation  
Office of Public Instruction  
Public Health & Human Services  
    (Center for the Aged)  
    (Foster Care)  
    (Mental Health Nursing Center)  
    (Montana State Hospital)  
    (Veteran's Home - Columbia Falls)  
Revenue  
Secretary of State  
Supreme Court  
State Library  
Transportation  
    (Butte)  
    (Bozeman)  
    (Great Falls)  
    (Glendive)  
    (Havre)  
    (Kalispell)  
    (Lewistown)  
    (Missoula)  
    (Wolf Point)  
University System  
    (Commissioner of Higher Education)  
    (Division of Technology – Butte)  
    (MSU Bozeman)  
    (University of Montana - Western)





## FWP Bird Narrowly Averts Disaster

**O**n January 3, 2002, a helicopter owned and piloted by the Department of Fish, Wildlife, & Parks crashed on I-90 near Butte while conducting game counts.

*Fortunately*, the pilot noticed the helicopter was not operating correctly and losing altitude, therefore, he was able to 'auto rotate' the helicopter down and safely 'land the 'bird' without injuries to the passengers.

*Unfortunately*, the helicopter landed 'tail first' and suffered extensive hull (i.e. physical) damage that resulted in a total loss estimated at \$500,000 (see photos ).

*Fortunately*, the Risk Management & Tort Defense Division reminded the Department of Fish, Wildlife, & Parks that it didn't have hull coverage on the aircraft 5 months prior to the loss.

*Fortunately*, no one was injured and FWP avoided an uninsured loss because it had wisely evaluated the risk and decided that insurance was a cost-effective alternative.



The cause of the accident has not yet been determined by the Federal Aviation Administration.



## The Lion's Share



**'Statistical Summaries Add Nauseum,' 'Actuarial Reports,' 'Estimated Unpaid Losses and Allocated Loss Adjustment Expenses,' 'Loss Development Triangles, More Number Crunching,' 'Ripping Out Our Hair,' then 'Starting All Over Again,'** often describe the process we go through in determining your risk charges (rates).

How much you pay for insurance depends on 1) commercial insurance and re-insurance charges; 2) risk exposures (i.e. the number and type of employees, vehicles, properties, boilers & machinery, etc.); and 3) your prior loss history as measured by incurred and incurred, but not reported losses.

As we prepare our budgets (your rates) for the '05' bi-ennium, we note that five state agencies (approximately 50 claims) have accounted for the lion's share of \$18,000,000 in expenditures for property and liability since FY98.

**They are:**

**Corrections  
Military Affairs  
Public Health and Human Services  
Transportation  
University System**



**They** have some of the most difficult, complex, and dangerous jobs in Montana.

**They**.....

- Design and maintain highways.

- Supervise inmates and foster children.
- Take care of clients/patients at state institutions.
- Operate heavy machinery and equipment such as snowplows and tanks.
- Manage large properties that are subject to subject to loss from natural perils.

**Their** risks are unpredictable and difficult to manage. Some of their claims were unavoidable. Unfavorable decisions by some Montana Courts didn't help!

**We** hope that their recent successes in identifying and managing workers' compensation and other kinds of risks, coupled with more favorable court rulings and a 'bit of luck' eventually translate into lower liability and property costs.



## *Spotlight on Aviation Insurance*

**M**ontana state government is the proud owner of a small, but valuable fleet of 23 aircraft (including helicopters). The state also operates 16 airports at various locations throughout Montana.

Aircraft and airports are very important to state agencies such as Fish, Wildlife, & Parks, Justice, DNRC, and Transportation who use them for a variety of state purposes including, but not limited to, game counts, transportation, aerial photography (mapping), search and rescue training, and law enforcement.

State airports connect Montana citizens in rural communities with public and private organizations

that do business or recreate in these areas. Most landing strips are turf strips of between 2,000 feet wide and 7,000 feet in length and do not have air traffic controllers.

The West Yellowstone Airport is state government's most 'heavily trafficked' with commercial and private flights estimated at approximately 3,000 between peak months of May 1<sup>st</sup> and October 1<sup>st</sup>.

Though most studies show that flying and landing an aircraft are safer than driving a vehicle, plane crashes DO receive MORE publicity because they often result in numerous fatalities and/or personal injuries and they almost always occur either because of pilot error or engine failure.

Though a plane crash is a violent event and victims cannot be replaced, the costs of these very

expensive claims can be mitigated through effective insurance and risk management. The Risk Management & Tort Defense Division, who is responsible for insuring state aircraft, currently purchases catastrophic liability coverage with limits of \$10,000,000 per occurrence excess of the state's tort damage caps (\$750,000 per claim/\$1,500,000 occurrence) on all state aircraft and airports.

Hull (i.e. physical damage) is optional and only provided upon request. The state's aircraft policy also includes insurance coverage for search and rescue efforts. The state aviation insurance steering committee has developed guidelines that address pilot qualifications, aircraft use, and insurance coverage.

For a summary of these requirements, go to the division's website or contact **Brett Dahl at ext. 3687**.



## DO YOU RECALL?

**I**s the chair you are sitting in right now safe? Is the pen you take notes with safe? Are the shoes you are wearing safe, or have these products had recalls for safety reasons? Many people would be surprised to learn how many products have had safety recalls. In just one recent safety recall approximately 7,000 hi-back executive chairs were recalled because they tended to tip over when the user leaned forward.

In another recent safety recall about 40,000 pens, which were sold to children in grades K-6 at school stores, were recalled because the pens contained kerosene. These pens pose a danger if the kerosene were to leak. And for shoes there is a recall of over 425,000 name brand sport shoes which have a metal strip on the heel which may cut the consumer.

At the same time we must understand that there were billions of chairs, pens, and shoes, which were perfectly safe for use, and most products never do have recalls. How do you know if the items in your office or around your home are safe? One way is to send in the warranty or registration cards when you make a purchase. If the manufacturer recognizes a safety concern they will have a way to contact you and direct you as to what to do with the product.

Many people refuse to send these cards to the manufacturer because of fears they will be placed on mailing lists. This may be true, however being notified of a potentially life threatening defect should be worth the inconvenience of receiving some junk mail. Another way to be informed is to look for recall notices at the retailer. If a respectable retailer is notified of a recall they should remove the item from the sales floor and post a recall notice for the public.

Some retailers even have bulletin boards where recalls are frequently posted. Take a moment to look at these. Yet one more way to be informed is to consult the United States Consumer Product Safety Commission (CPSC). This is an Independent Federal Regulatory Agency working to save lives and keep families safe by reducing the risk of injuries and deaths associated with consumer products. Many of these consumer products can also be found in our workplaces. The CPSC has jurisdiction over more than 15,000 kinds of consumer products and does cover all manufacturers, retailers, importers and distributors.

For items such as cars, food and drugs CPSC will direct you to agencies that regulate these items. You can review recalls made by the CPSC or follow links to other recalls by visiting their website at [www.cpsc.gov](http://www.cpsc.gov). At this site you can join the CPSC Recall Subscription List and be notified of all recalls made on behalf of CPSC. Additionally, as a clearinghouse for product safety information, CPSC provides one means for anyone to report an unsafe product.

Chances are very good that the products you are using are safe because of agencies like the Consumer Product Safety Commission. When these agencies advise the public of concerns with products it is best that we do recall.

## Which 9-1-1?

**T**here's an emergency in your building and you respond. Once you arrive at the scene you recognize help is needed. You point at a bystander and say, "You, go call 9-1-1!" Can they do what you just instructed them to? Did you mean what you just said?

In a number of locations the phone number for help is not 9-1-1. For example, most state buildings on the capital complex in Helena, Montana require the dialer to dial "8" to get an outside phone line. If the three digits of 9-1-1 were dialed your phone would simply wait for a fourth digit before a call could be completed. Within the complex one would need to dial 8-9-1-1 to contact the local emergency dispatch center. Yet, even this is not the correct number to dial in an emergency.

Again, many locations such as the state capital complex have a workplace emergency number. If 8-9-1-1 were dialed from the capital complex you would reach the local emergency dispatch center however they would see the call as coming from the lower level of the Mitchell building- the location of the main capital complex phone bank. Your actual location may be any one of over thirty buildings served by the phone bank. Hence, the correct number to dial from the capital complex is 3-0-6-0, which is the emergency contact number for the General Services division. General Services would gather the needed information and respond as well as contact emergency services.

Since General Services is within the complex phone system they will have a display of where you are placing the call. Of course if you were to contact 9-1-1 directly assistance would be on the way and it is acceptable to dial directly if you stay on the line and give all of the information the dispatcher requests. However the emergency dispatch center would contact General Services to verify the emergency. This may actually slow the response. In any emergency, either number is acceptable.

Many campuses and larger buildings served by phone banks similar to the capital complex require an outside line be connected to before a call can be completed. Often

*cont...*

dialing an 8 or a 9 before the number does this. In an emergency would a bystander know to dial this 8 or 9 before dialing 9-1-1? Or would they know to dial a workplace emergency number rather than 911? Valuable time can be lost dialing wrong or incomplete numbers.

Whether your emergency number is a local workplace number, 911, 8-911, 9-911 or any other number it is a good idea to post that number near phones. The person making the emergency phone call may well not know the number to 911. While you are at it, consider posting your address or location with the emergency number. Emergency responders may not know the common name of your address.



## Don't Pass Your Password

**W**e all hear about computer viruses destroying our machines, hacker attacking networks, and interruption of internet service, but security violation in networks is much more common.

Passwords are a very important aspect of your online security. Employees leaving their networked computers on while they're away from their desks, disks lost or stolen by visitors, and transparent passwords are far bigger security threats than gangs of hackers. If a hacker, or even a coworker or visitor, gets hold of your passwords then they can be you!

Have you given your passwords to someone simply because it's more convenient for you? If so, then everywhere they visit, everything they do, as far the Internet world goes, is seen as you. You should always keep your passwords to yourself, and make them real passwords. Not something easily figured out.

Proper password safeguards are particularly important. Many employees choose simple passwords, leave them written on sticky notes attached to their computer monitors, or worse, never choose them at all by leaving the default password assign to you by the system.

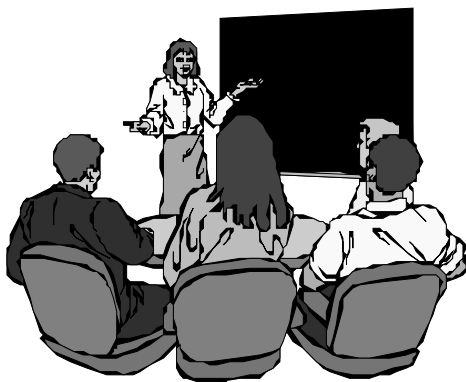
According to the State policy entitled Usernames and Passwords, "Each username must have a password associated with it". Lynne Pizzini, Information Security Manager with Information Technology Services Division gives the following rules for creating passwords:

- Passwords will be at least 6 characters long and contain at least one numeric and one alphabetic character.
- Initial passwords assigned to new usernames must be changed the first time they are used.
- Passwords will be changed at least every 60 days.
- Passwords will not be reused for at least 4 cycles.
- Passwords will not be written down where they can be found by unauthorized personnel and should not be shared with other individuals.

Some agencies may require more specific rules. Check with your network support personnel for your agency's password rules. Make up good passwords and keep them safe. Keep them to yourself. Keep your computer secure.

# OPEN AFTER HOURS

**T**he state of Montana owns and insures over 2,900 buildings across the state. In many Montana communities the state offices are centerpieces of the community. As part of these communities state agencies often are asked to open our doors after hours for local community groups to hold evening meetings and events. This forces the question of whether or not we should be opening our doors after hours to these groups when liabilities may be implied.



Two concerns are vital in answering this question. First of all state agencies should want to be part of our communities and be a good neighbor helping these organizations where we can. This first concern can be placed at odds with the concern of who is responsible for these activities and their participants should accidents or injuries occur.

In the past understandings like *use at your own risk* and *you break it, you buy it* could have helped to answer these questions but this philosophy is from times gone past. In today's culture, the owner of a facility may be viewed with more liability than we believe they held

in the past. Today a firm contract is much better than a firm handshake.

We recommend that you evaluate the need to allow public use of the facility, against the risk associated with the use. We recommend that contracts with hold harmless provision and insurance requirements, depending on what the facility is used for, become part of any agreement to grant use of a state facility.

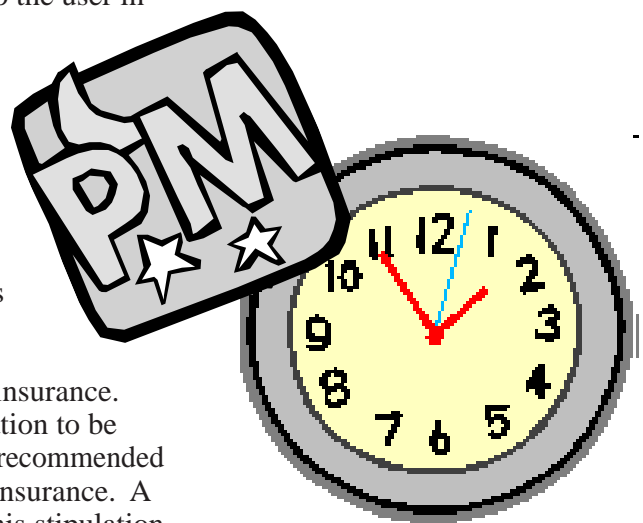
A qualified representative of the facility or agency and a qualified representative of the organization requesting use of the state facility should both sign a contract or agreement. This contract should clearly spell out the responsibilities or liabilities of each in the event of an accident, injury or damage to the facility and stipulate the activities to be conducted within the state facility.

The contract may require the organization to obtain insurance covering their use of the state facility. Insurance provided by the state covers items owned or leased by, or in the custody of the state. Property belonging to the user in most cases will not be covered by the state. State insurance also covers most state employees and volunteers acting on behalf of the state. Third parties, such as the user and participants, are not covered by the state insurance. For the user organization to be covered it is strongly recommended they have their own insurance. A contract may place this stipulation on their use of our facilities.

The amount of insurance coverage should be dictated by the activities

and risks involved. For example, there would be relatively low risks involved in an organization utilizing a conference room within a state building to hold a regular meeting. At this meeting you would expect people to sit at a table and partake in a discussion or demonstration. Still there are possible risks. Who will set up, move, and take down the tables and chairs? Because of this small risk there should be an agreement as to who is liable in the event a table or other property is damaged or if a participant is injured while moving a state owned table or any other use of the facility. A contract for use of the facility should be based on these perceived risks.

Other organizations may hold activities utilizing a kitchen or other higher risk activities with a state facility. In any case, a risk assessment should take place based on the activities and participants requesting use of a facility. Contact the Risk Management & Tort Defense Division for assistance. We can assist you to determine the requirements of insurance coverage for the third party.





## Work Zones ARE NOT War Zones!

**T**he construction BOOM began on July 1, 2000 when the Department of Transportation assumed responsibility for design and maintenance of an additional 15,000 miles of secondary highways in Montana. It hasn't waned!



With all of the additional maintenance activity presently underway on state highways, the likelihood of encountering maintenance vehicles, loose rock chips, speeding motorists, constructions workers, and other potential risks increases dramatically. Remember.....

- FINES DOUBLE so slow down. The laws were designed to protect highway workers but also protect YOU!
- OBEY POSTED WARNING SIGNS. After re-surfacing each lane of a highway, the Department of Transportation closes it down for 24 hours before re-opening it for travel. Once the lane has been re-opened, signs such as 'slow down,' 'speed limit 35,' 'loose rock chips,' and 'do not pass,' are posted. Motorists who do not heed these warnings travel at their own risk, however, they also put other motorists at risk.
- EXPECT THE UNEXPECTED. Debris such as rocks, pop bottles, cans, and even mile posts have been struck by state mowers and thrown into the path of oncoming vehicles. Identify these kinds of hazards by being attentive and alert to what is happening around you.

Every year, the Risk Management & Tort Defense Division receives hundreds of claims from motorists whose vehicles were damaged by other careless motorists in work zones.



These claims are typically not the result of negligent work, instead, they result because other motorists do not following the warning signs.

**Work Zones NEED NOT be War Zones!**



## Pass or Fail?

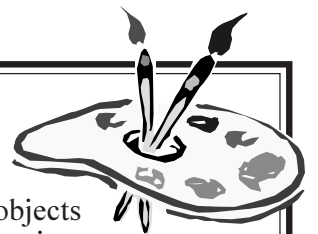
**P**ass or Fail? A, B, C, or Flunk? How Does Our Loss Control Program Measure Up?

These are questions that agencies must ask themselves as they 'SELF ASSESS' the effectiveness of their safety and loss control programs.

The Self-Assessment Report was developed by the Risk Management & Tort Defense Division and Department of Labor & Industry to help state agencies ascertain their progress in implementing cost-effective and comprehensive safety and loss control programs.

This report may be found on the Risk Management & Tort Defense Division's website under 'Safety and Loss Control.' Each agency must submit their completed assessment to the Risk Management & Tort Defense Division by July 5<sup>th</sup>.

Those agencies whose programs score 'Good' or above will be recognized for this achievement at Safety Day. If you have questions, please contact the Risk Management & Tort Defense Division at ext. 2421.



## % FOR ART

The State of Montana is fortunate to have a 'treasure trove' of artists, galleries, sculptures, estatuaries, bronzes, paintings, and other art that are the envy of many other states. These objects are beautifully designed and aesthetically enhance the value of our public and private properties.

The 'trove' also includes structural art which, if not carefully designed, becomes an 'attractive nuisance' and acts as a 'magnet' for kids, students, or other individuals who climb it, jump on/off it, or otherwise use it inappropriately. Public entities may be liable for injuries that arise when they knowingly allow individuals to use art or building structures such as playgrounds and/or do not design safe structures.

We were pleased that the Montana Arts Council recently consulted with Montana State University, the Risk Management & Tort Defense Division, and Agency Legal Counsel about safety and liability issues related to the design and installation of the sculpture in front of the engineering building at Montana State University.

We believe that the design and placement of this particular piece will prevent it from becoming a liability. Structural art can be BOTH aesthetically pleasing AND safe.



# VANDALS, VEHICLES, AND A PARKING GARAGE!

**E**ach year, the State of Montana experiences the willful, wanton, and malicious destruction or defacement of state property. The Risk Management & Tort Defense Division recognizes that we are not made aware of numerous small acts of vandalism throughout state agencies since property claims must exceed a \$1,000 deductible. Claim statistics for the last ten years show that this difficult and complex problem averaged 7% of property losses and cost the self-insurance fund nearly \$100,000.

The Montana State Fund experienced the most recent act of vandalism in February when a car burned in their parking ramp at the intersection of Broadway and Cruse Avenues. A small passenger car belonging to a private party parked in the ramp over night was totally destroyed by fire, and as luck would have it, the burned car was parked between two state vehicles. Another private vehicle parked on the other side of the ramp was also vandalized and rummaged.

One of the state vehicles was totally damaged, and the other sustained damage in excess of \$2,500. The parking ramp sustained extensive smoke damage and the structure itself is being analyzed to verify there is no structural compromise. This loss will cost the state approximately \$15,000 (unless structural damage is found). By reducing the opportunity for the vandal to strike we may be able to reduce the frequency of vandalism.

Some things to do:

- ✓ Use adequate lighting.
- ✓ Use unbreakable fixtures and glass.
- ✓ Put away, and lock up all tools, machinery, and outside ornaments.
- ✓ Where possible, hire security patrols.
- ✓ Always keep exterior and garage doors shut and locked.
- ✓ Report all acts of vandalism to the police.



## Directory of Services

(406) 444-2421

### Administration: Ext.

Division Administrator - Brett Dahl	3687
Chief Defense Counsel - Bill Gianoulas	2438
Administrative Assistant - Carol Berger	3600
Administrative Support - vacant	9843
Legal Secretary - Renee' Jean	

### Property/Liability Claims Adjusting:

Sr. Claims Specialist - Marjie Carpenter	2422
Claims Specialist - vacant	4516
Claims Specialist - Jenny Younkin	7996

### Legal Defense:

Associate Counsel - Ann Brodsky	3558
Associate Counsel - Steve Haddon	2485
Associate Counsel - Don Jones	4507
Associate Counsel - Mike King	2403
Paralegal - vacant	
Paralegal - Peg Bartlett	3562

### Loss Control:

Consultant - Brett Dahl (Liability/WC)	3687
Consultant - Aric Curtiss (ERTW/Property/WC)	3486

### Insurance/ Finance:

Risk Finance Specialist - Kristie Rhodes	4509
--	------

### Services to State Agencies

**Insurance for:** Property, liability, employee dishonesty, vehicle, aircraft, other risks.

**Legal Defense/Claims for:** Liability, property, other claims.

**Loss Control:** Consulting for all of the above.



**Risk Management & Tort Defense Division**  
**PO Box 200124**  
**Helena MT 59620-0124**

**Address Service Requested**

**To:**

**RISK MATTERS** is a publication of the State of Montana, Department of Administration, Risk Management & Tort Defense Division, 1625 11th Avenue, Helena, Montana 59620-0124. Phone: (406)444-2421.

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**Distribution to:** All agencies of state government in executive, legislative, and judicial branches and the university system. Copies of this bulletin should be placed in agencies' copies of the State of Montana, Risk Management Procedures Manual, Section XII.

Spring 2002. Published periodically.

## **Risk Management Advisory Council**

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Teri Juneau Commerce	Bill Miller Natural Resources & Conservation
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Virginia Cameron Environmental Quality	Alicia Cox Political Practices
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Marilyn Cameron Montana Tech of UM	
Diana Wyatt MSU College of Tech - GF	